

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

**WAYNE SCOVIL, ET AL.,**

**PLAINTIFFS**

**v.**

**FEDEX GROUND PACKAGE  
SYSTEM, INC. d/b/a FedEx  
Home Delivery,**

**DEFENDANT**

**No. 1:10-cv-515-DBH**

## ORDER ON MOTIONS IN LIMINE

The plaintiffs' two motions in limine to exclude the defendant's experts are **GRANTED**.

**Motion in Limine to Exclude the Testimony of Satish Jindel** (ECF No. 156). The testimony of Satish Jindel as to why the defendant exerts control over its drivers is not relevant to the issues that determine whether the drivers are employees or independent contractors. (I addressed what those issues are in my order on class certification (ECF No. 137).) Moreover, even if it were relevant, it is factual testimony that could be given by the defendant's personnel, and there is no need for expert testimony about it.

**Motion in Limine to Exclude the Testimony of James E. Scapalleto**

(ECF No. 155). The testimony of James E. Scapalleto about what safety regulations require and what other motor carriers do is likewise not relevant to the issue whether the plaintiffs are independent contractors or employees.

**SO ORDERED.**

**DATED THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2012**

/s/D. Brock Hornby

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**